

RECEIVED
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BY MAIL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
DIVISION

Timothy Barr)
)
)
)
)

(Enter above the full name of the)
Plaintiff(s) in this action. Include prison)
registration number(s).))

v.)

Rebecca Pearson)

Brandi Jochen)

DANA DEGEN)

David Helman)
)
)

(Enter above the full name of ALL Defend-)
ant(s) in this action. Fed. R. Civ. P. 10(a))
requires that the caption of the complaint)
include the names of all the parties. Merely)
listing one party and "et al." is insufficient.)
Please attach additional sheets if necessary.)

Case No. _____
(To be assigned by Clerk)

JURY TRIAL DEMANDED

PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

I. PLACE OF PRESENT CONFINEMENT: SOUTHEAST CORRECTIONAL CENTER
300 EAST PEDRO SIMMONS DR. CHARLESTON, MO 63834

II. PREVIOUS CIVIL ACTIONS:

A. Have you brought any other civil actions in state or federal court dealing with the same facts involved in this action or otherwise relating to your confinement?

YES []

NO [☒]

- B. If your answer to "A" is YES, describe the action(s) in the space below. If there is more than one action, you must describe the additional action(s) on a separate piece of paper, using the same format as below.

1. Parties to previous civil action:

Plaintiff(s):

N/A

Defendant(s):

N/A

2. Court where filed:

N/A

3. Docket or case number:

N/A

4. Name of Judge:

N/A

5. Basic claim made:

N/A

6. Present disposition (Is the case still pending? Is it closed? If closed, was it appealed?):

N/A

III. GRIEVANCE PROCEDURES:

- A. Is there a prisoner grievance procedure at the institution in which you are incarcerated?

YES [☒]

NO [☐]

- B. Have you presented this grievance system the facts which are at issue in this complaint?

YES [☒]

NO [☐]

- C. If your answer to "B" is YES, what steps did you take: Filed An IRR First,
A Grievance Second, And Currently And
Still Pending Grievance Appeal third
- D. If your answer to "B" is NO, explain why you have not used the grievance system:
N/A

IV. PARTIES TO THIS ACTION:

A. Plaintiff(s)

1. Name of Plaintiff: Timothy Barr
2. Plaintiff's address: 300 E. Pedro Simmons Dr. Charleston, MO
63834
3. Registration number: 529815
4. Additional Plaintiff(s) and address(es):
N/A

B. Defendant(s)

1. Name of Defendant: Rebecca Pearson
2. Defendant's address: SECC / 300 E. Pedro Simmons Dr.
Charleston, MO 63834
3. Defendant's employer and job title: REGISTER NURSE
at SECC's Horizon Medical Systems
4. Additional Defendant(s) and address(es): Brandi Zoden, 300 E. Pedro
Simmons Dr. Charleston MO 63834, BSN, RN, Dana DeGen,
BSN
300 E. Pedro Simmons Dr. Charleston, MO 63834, RN,
David Helman, 300 E. Pedro Simmons Dr. Charleston, MO 63834,
R.N. DON
63834

V. COUNSEL

A. Do you have an attorney to represent you in this action?

YES []

NO [✓]

B. If your answer to "A" is NO, have you made an effort to contact an attorney to represent you in this matter?

YES [✓]

NO []

C. If your answer to "B" is YES, state the name(s) and address(es) of the attorneys you contacted and the results of those efforts:

PLEASE SEE ATTACHED LETTERS DECLINING
REPRESENTATION

D. If your answer to "B" is NO, explain why you have not made such efforts:

N/A

E. Have you previously been represented by counsel in a civil action in this Court?

YES []

NO [✓]

F. If your answer to "E" is YES, state the attorney's name and address:

N/A

PADBERG, CORRIGAN & APPELBAUM

A PROFESSIONAL CORPORATION

1926 CHOUTEAU AVENUE

ST. LOUIS, MISSOURI 63103

TELEPHONE: (314) 621-2900

FAX: (314) 621-7607

TOLL FREE: (800) 332-9538

www.padbergcorrigan.com

JEFFERSON COUNTY OFFICE

4633 YEAGER ROAD

HILLSBORO, MISSOURI 63050

BOSTON OFFICE

9 MT. VERNON STREET, SUITE A

WINCHESTER, MASSACHUSETTS 01890

TOLL FREE: (855) 857-4400

GODFREY P. PADBERG (1927-2002)
MATTHEW J. PADBERG*
MICHAEL P. CORRIGAN*
THERESA A. APPELBAUM*
ANNA E. HABER*
DAVID W. BAUMAN*
SARAH M. HALE

*ALSO LICENSED IN ILLINOIS

KELLY CASEY
NURSE CONSULTANT

May 1, 2015

Mr. Timothy Barr
#529815 6-C #107
Southeast Correctional Center
300 E. Pedro Simmons Drive
Charleston, MO 63834

In re: *Potential Malpractice Claim*

Dear Mr. Barr:

Thank you for your letter of April 21, 2015.

Unfortunately, I will not be able to take on representation of your case at this time.

Other lawyers may feel differently and we encourage you to seek the opinion on another lawyer.

Mr. Barr, I am sorry we were unable to take on the representation of you and I wish you the best in the future.

Sincerely yours,


Theresa A. Appelbaum

TAA:tdh

4(A) 4A

HUSCH BLACKWELL

Jennifer L. Schwendemann
Director of Pro Bono Services

190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Direct: 314.480.1871
Fax: 314.480.1505

jennifer.schwendemann@huschblackwell.com

July 9, 2013

Mr. Timothy Barr #529815, 6-C #110
Southeast Correctional Center
300 E. Pedro Simmons Drive.
Charleston, MO 63834

Re: Declination of Legal Representation

Dear Mr. Barr:

Thank you for your interest in our firm. This is to confirm that Husch Blackwell LLP is unable to represent you regarding the matter you contacted us about. We do not handle such matters, unless appointed by the court to do so. May I suggest you contact the Midwest Innocence Project located at 6320 Brookside Plaza, #1500, Kansas City, MO 64113; phone (816)221-2166; website <http://themip.org/>. We wish you the best in your search for representation.

Because we are not representing you on any matter currently, we cannot practically monitor any changes in the law or your circumstances as they might affect the strength of your case. Thank you for your interest in our Firm.

Very truly yours,



Jennifer L. Schwendemann
Director of Pro Bono Services

4(b)

- VI. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. You must state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved, dates, and places. Be as specific as possible. State your claims in numbered paragraphs. You may use additional paper if necessary):

"PLEASE SEE ATTACHED PAGES"

#(SA)

" MEDICAL COMPLAINT :

(3). On May 28, 2014, I started experiencing numbness in my right hand and feet, that cause me to self-declare medically, on May 30, 2014. Still I was not provided any adequate medical treatment for my illness. (4). On June 11, 2014, the nurses, DANA ~~DEGEN~~ ^{DEGEN}, RN, BRANDI JUDEN, BSN, RN, started my treatment for Multiple Sclerosis, by giving me a drug call " AVONEX," inwhich I continue to take once a week. I immediately started experiencing very painful burning in my face, feet, hands, and arms. I immediately reported this to the medical staff, only to be told by nurse TASHA, Nurse Helman, who told me " DO THE BEST THAT I CAN DO." So for months, I continue to take this treatment, as well as complain to medical about the affects this medication was having on me, and about the inadequate medical treatment I was experiencing that was not right, but medical staff refused to do anything, and kept forcing me to take the treatment shot, and accept the inadequate medical care they had been giving me. (5). On October 8, 2014, the medical staff did not have the treatment shot for me, and So I was not given any treatment. (6). On October 20, 2014, I was call to medical, and was seen by Nurse Practioner Ms. Kimberly Birch, and Nurse Practioner, Ms. Nina Hill, who told me they was not going to give me the treatment shot AVONEX any longer, because thay did not believe that I had "MULTIPLE SCLEROSIS, furthermore, they did not believe I ever had a STROKE IN October 2010. And it was they belief that I have been wrongly medically treated, which is why, since the taking and stopping this treatment, I have had Multiple Bad Side-Affects , from the drug " AVONEX ", that was given to me.

Such side-affects as follows:VISION PROBLEMS, MUSCLE WEAKNESS, PERSISTENT FATIGUE, LOSS OF WEIGHT, PAINFUL HEADACHES, FEET, HANDS, CHEST, LEGS, AND BACK NUMBNESS, and PAINFUL AND PAINFUL TINGLING IN MY HANDS, FACE, FEET, AND LEGS, LOSS OF VOICE, LOSS OF BALANCE, AND DIZZYNESS.

Since October 20, 2014, and Medical Staff's finding, that I did not suffer from MULTIPLE SCLEROSIS, and that I have been wrongly treated for said; there has not been any efforts put forth by the Health Care Provider, or the Medical Staff, here at S.E.C.C, to find out my true and definite illness, and the combate side-affects as a result of the wrong medical diagnosis and treatment given to me for MULTIPLE SCLEROSIS by Neurologist Doctor Batchu, and Corizon Medical Staff.

5(a)

#56

" MEDICAL COMPLAINT:

(1). I inmate Mr. Timothy Barr, #529815, complain that on May 21, 2014, I was sent outside of the prison to be medically examine by Neurologist, Dr. Batchu, who inform me that after reviewing the results of my (3) M.R.I.s, he then determine in his opinion, that the reason for my ailments, was because he felt I had " Multiple Sclerosis." While at his office, he then provided medical treatment for such, and he also explain to me, all the medical items and document that he was was sending back with me; which included several pamphlets dealing with M.S., a U.S.B. Card for the prison's Doctors and Nurse, to retrieve information, and a SELF INJECTION " AVONEX," PEN, TO CONTINUE My MULTIPLE SCLEROSIS treatment, immediately in prison. However, once I return to the prison's medical department, the Nurse REBECCA PEARSON, took possession of all of the medical items, all documents given to me by Neurologist Doctor Batchu, and she told me that I could not have these medical items, and told me to return back to my Housing Unit, in which I complied. (2). On May 22, 2014, I return to the prison's medical department, at that time, in the presence of Several Medical Staff, including Mr. David Helman, RN, DON, Mrs. Brandi Juden, BSN, RN, and Ms. Rebecca Pearson, I notified these medical staff members, that Nurse Rebecca Pearson took all of the medical items and documents I needed to start my treatment, all of these items prescribe by the outside Neurologist, Dr. Batchu. On May 21, 2014, I further show them all, a pamphlet, showing the medical items given to me by Neurologist, Doctor Batchu, included a SELF INJECTION " AVONEX PEN," That was among the medical things that Nurse Rebecca Pearson took from me on May 21, 2014. At that point and response to this, Nurse Rebecca Pearson, stated that she told me that " I could not have those medical items and documents, and she had personally thrown those items in the trash. So, I was not provided with any kind of medical treatment, which resulted in me becoming real painfully ill, with numbness in my right hand and foot. I was then forceto file a grievance complaint about the wrongful actions of nurse Ms. Rebecca Pearson, and other medical staff, that also included them lying and trying to cover-yp all of the wrong actions done by this nurse, and them, that resulted in me not being able to recieve medical treatment until several weeks later. This action of Nurse Rebecca Pearson, and other medical staff was a DELIBERAT INDIFFERENCE TO MY SERIOUS MEDICAL NEEDS, especially due to the fact they all had been made aware on May 21 and May 22, 2014, that I had been diagnose with a Terminal Illness, and that they all delayed me medical treatment, due to this Nurse, Rebecca Pearson over stepping her authority, and taking my medication. Knowing what they were and what they wer for, these medical staff members deliberately ignoring the Neurologist recommendation.

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VII. RELIEF

State briefly and exactly what you want the Court to do for you. Do not make legal arguments. (Note: If you are a **state** prisoner and you seek from this Court relief that affects the length or duration of your imprisonment, your case **must** be filed on a § 2254 form.)

(1) That the Court place Plaintiff under its jurisdiction and protection and order that plaintiff Mr. Barr be given a full battery ~~of~~ of examinations, independent of Defendants "Corizon" who evidence will show has cut corners in treatment causing Mr Barr's

VIII. MONEY DAMAGES:

Please See Attachment.

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint?

YES ☒ NO ☐

B) If your answer to "A" is YES, state below the amount claimed and the reason or reasons you believe you are entitled to recover such money damages:

(1) 1.5 million Dollars / committed permanent and irreversible nerve damage
(lost Plaintiff his livelihood, as in automotive / Gross \$10,000 A year
(10) Dietary Aids / Gross \$13,000 A year TOTAL POSITIVE DAMAGES. TOTAL
Amount to be Fixed by Court or Jury

IX. Do you claim that the wrongs alleged in the complaint are continuing to occur at the present time?

YES ☒ NO ☐

Timothy Barr

Signature of attorney or pro se Plaintiff(s)

13-May-2015
Date

Attachment Page 6(a).

Drop in vitality; (2) to provide a physical therapist that would administer: (i) treatment consistent with nerve and muscle stimulation; (ii) possible "Whirlpool treatments, among other things, that this court may deem appropriate to meet Mr. Barr's serious medical condition.

6(a)